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MEETING  
DATE 6-16-03

## REQUEST FOR COUNCIL ACTION

<b>AGENDA SECTION:</b> PUBLIC HEARINGS	<b>ORIGINATING DEPT:</b> PLANNING	<b>ITEM NO.</b> <i>E-4</i>
<b>ITEM DESCRIPTION:</b> Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC. The Applicant is proposing to subdivide approximately 33.41 acres of land into 59 lots for single-family development and 2 Outlots. The Plat also proposes to dedicate new public roadways. The property is located east of Valley Estate Second Subdivision and south of Highway 14 East.		<b>PREPARED BY:</b> Brent Svenby, Planner

June 11, 2003

**NOTE:** The applicant submitted a revised plat addressing recommended conditions number 1 and 9 so those conditions can be removed.

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on May 28, 2003 to consider this preliminary plat to allow for a single family residential development.

Dave Bell of Freedom Development and Consulting, Inc. addressed the Commission. Mr. Bell reviewed the entire development. He also stated that they were in agreement with the staff recommended conditions.

The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions:

**1. The plat shall be revised to include:**

- ~~A 20' minimum public utility easements between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system.~~
- ~~Red Hawk Drive SE illustrated east of the intersection with Falcon Place SE.~~
- ~~Identifying the roadway named "Falcon Place SE, both north and south of red Hawk Drive SE to Falcon Road SE.~~
- ~~Identifying the roadway named Falcon Court SE as Falcon Lane SE.~~
- ~~Identifying the roadway named Starling Court SE as Starling Lane SE.~~
- ~~Identifying the roadway named White Owl Court SE as White Owl Lane SE.~~

2. A Storm Water Management Fee will apply to any area of the development that does not drain to an on-site detention facility. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.
3. Construction of a temporary turn-around and associated temporary easement is required at the southerly extend of Falcon Place SE.
4. Prior to recording the Final Plat, the applicant shall execute an Ownership & Maintenance Agreement, and dedicate applicable access and drainage easements for the proposed private stormwater detention facility shown on Outlot 'A'
5. Parkland dedication shall be met via cash in lieu of land with payment due prior to the recordation of the final plat documents.
6. Development is limited to 1200 adt until a secondary access is provided.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

- 120
7. *The applicant shall execute a Maintenance Agreement, prior to recording the Final Plat, for islands located within the cul-de-sacs. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.*
  8. *No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.*
  9. ~~*Prior to the City Council taking action on the this plat, the applicant shall provide preliminary construction plans for Phase II or the plat shall be revised to exclude the phase II area. Adequate time for review of the construction plans shall be provided.*~~

Ms. Peterrson moved to recommend approval of Preliminary Plat #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC with staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-1 with Ms. Wiesner voting nay.

**Council Action Needed:**

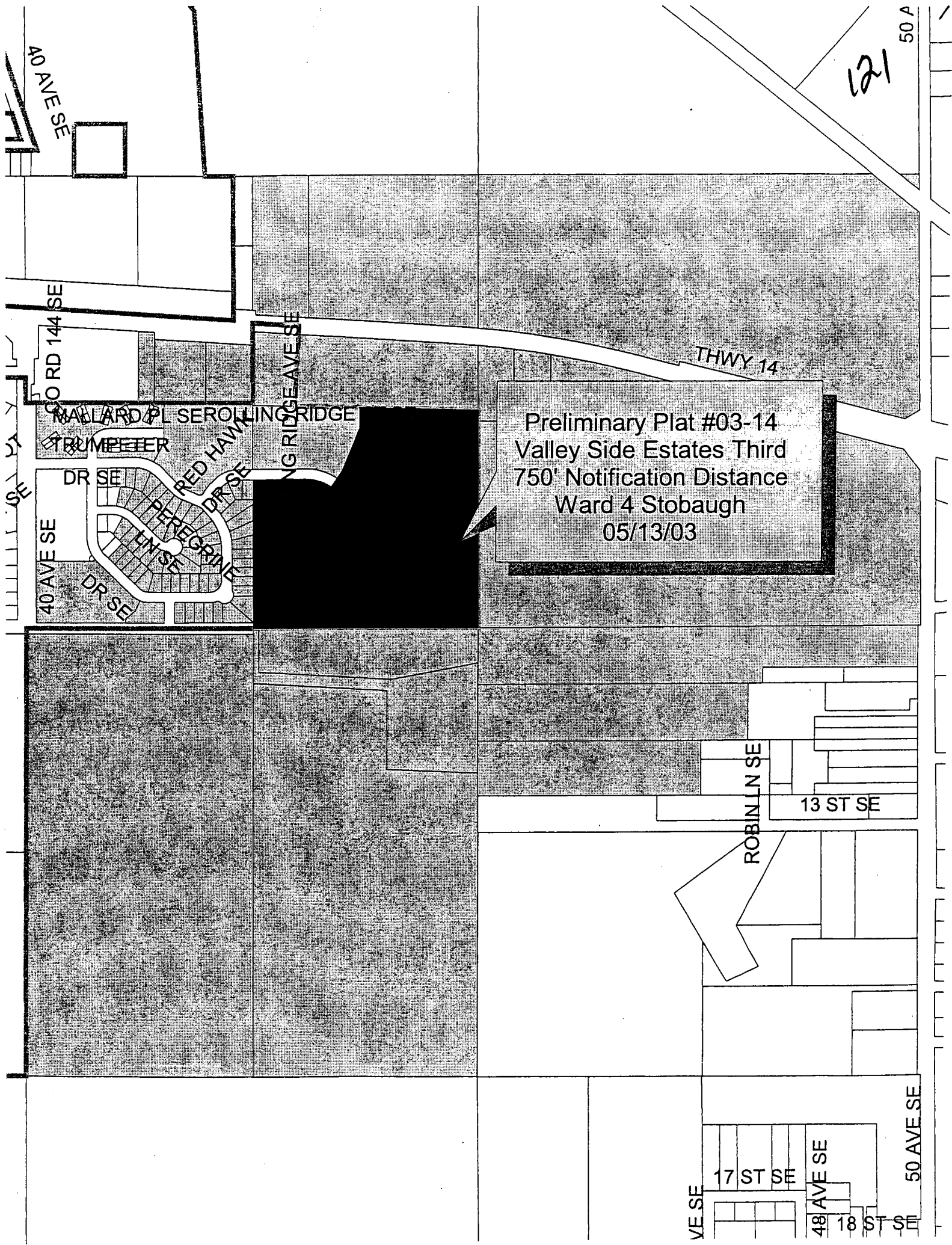
- 1) The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.

**Attachment:**

1. Staff Report dated May 23, 2003
2. Minutes of the May 28, 2003 CPZC Meeting

**Distribution:**

1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department GIS Division
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 16, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. Brown Herkenoff



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50 A

40 AVE SE

GO RD 144 SE

MALLARD PL SEROLLING RIDGE

GRIMPETER

NG RIDGE AVE SE

THWY 14

Preliminary Plat #03-14  
Valley Side Estates Third  
750' Notification Distance  
Ward 4 Stobaugh  
05/13/03

40 AVE SE

DR SE

RED HAWK  
DR SE  
GRIN

DR SE

ROBIN LN SE

13 ST SE

VE SE

17 ST SE

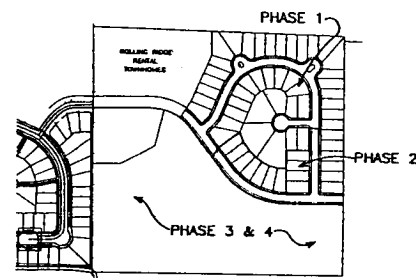
48 AVE SE

18 ST SE

50 AVE SE

122

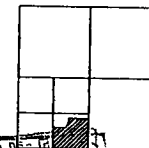
Logal description is as follows:  
The crest 1/2 of the SW 1/4 of Section 4, T100N-R12W, lying south of South Highway 14 described as follows: Commencing at the southeast corner of the SW 1/4 of Section north 01 degree 14 minutes 40 seconds true along the west line of the SW 1/4 of a distance of 1273.60 feet; thence North 08 degree 25 minutes 22 seconds true a distance of E 1/2 of E 1/2 of SW 1/4; thence South 01 degree 23 minutes 23 seconds 15 seconds East, along the East line of the SW 1/4; thence North 01 degree 23 minutes 15 seconds 1/4; thence North 08 degree 11 minutes 01 seconds East, along the East line of the SW 1/4 to the point of beginning, and then except ROLLING ROCK, according to the recorded plat



SINGLE FAMILY HOME SCHEDULE  
 PHASE 1 - 42 LOTS  
 PHASE 2 - 17 LOTS

REVISÉD

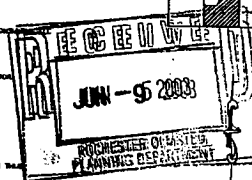
VICINITY MAP



NOTE: THIS PROPERTY IS NOT IN 100 YEAR FLOOD PLAIN  
ACCORDING TO FIRM MAP NUMBER 27108C0118B B  
EFFECTIVE DATE: APRIL 17, 1995

DEVELOPER:  
FREEDOM DEVELOPMENT & CON-  
STRUCTION ONE AVE. INC.  
PO BOX 1643  
ST CLOUD, MN 56302  
(320) 251-2046

OWNER & GENERAL CONTRACTOR:  
LUMBER ONE AVE. INC.

OWNER & GENERAL CONTRACTOR  
LUMBER ONE ARCH INC.

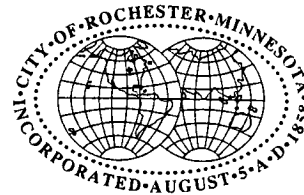
Surveying & Engineering Professionals Inc.  
1222 2nd Ave. South, Suite 1204  
South Rapids, MI 49343  
(226) 235-8000

REVISSED: 06/03/03

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND  
THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS  
OF THE STATE OF MINNESOTA.

Linda H. Brown  
Linda H. Brown

DATE 05/01/03 LICENSE NO. 23687



**TO: City Planning and Zoning Commission**

**FROM: Brent Svenby, Planner**

**DATE: May 23, 2003**

**RE: Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC. The Applicant is proposing to subdivide approximately 33.41 acres of land into 84 lots for single family development and 3 Outlots. The Plat also proposes to dedicate new public roadways. The property is located east of Valley Estate Second Subdivision and south of Highway 14 East**

ROCHESTER-OLMSTED  
PLANNING DEPARTMENT

2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/  
PLANNING 507/285-8232

GIS/ADDRESSING/  
MAPPING 507/285-8232

HOUSING/HRA 507/285-8224

BUILDING CODE 507/285-8213

WELL/SEPTIC 507/285-8345  
FAX 507/287-2275

**Planning Department Review:**

**Applicant/Owner:**

Freedom Development & Consulting LLC  
PO Box 1643  
St. Cloud, MN 56302

**Surveyors/Engineers:**

Brown Herkenhoff  
1424 2<sup>nd</sup> Street North  
Sauk Rapids, MN 56379

**Referral Comments:**

1. Rochester Department of Public Works
2. Rochester Park & Rec. Dept.
3. Planning Dept. Wetlands LGU
4. RPU Water Division
5. RPU Electric Division
6. Planning Dept Addressing
7. Rochester Fire Department
8. MnDOT

**Report Attachments:**

1. Land Development Manual Excerpts
2. Referral Comments (6 Letters)
3. Copy of Preliminary Plat

**Development Review:**

**Location of Property:**

The property is located east of Valley Estate Second Subdivision and south of Highway 14 East.

**Zoning:**

The property is zoned R-2 (Low Density Residential) district on the City of Rochester Zoning Map.



**Proposed Development:**

This plat consists of 33.41 acres to be subdivided into 84 lots for single family detached housing and 3 outlots.

**Streets:**

The plat dedicates the right-of-way of a number of roadways ranging from a right-of-way dedication width of 50 to 60 feet and a pavement surface of 28' to 36'.

The proposed cul-de-sac islands will require execution of a Maintenance Agreement prior to recording the Final Plat. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.

No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.

Roadway names will need to be modified. See the letter dated May 14, 2003 from the GIS Addressing Dept.

**Utilities:**

Utilities will be extended from the west to accommodate this development. Additional 20' minimum public utility easements are required between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system. Public utility easements will be required in Outlots B & C for the required water main loops connecting the cul-de-sacs and the existing stub-out from Valley Side Estates Second to the west. These easements can be dedicated as a part of the development of the outlots depending on where the actual phase limits are. Static pressure within the area will range from 68 to 79 PSI.

**Sidewalks:**

In accordance with current City policy, sidewalk is required along the both sides of the roadways, including the frontage of all Outlots within the Plat.

**Drainage:**

On-site detention is planned with this Plat (Outlot A). A Voluntary Storm Water Management fee will apply to any areas of this subdivision that, when graded, do not drain to an approved detention facility. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.

Grading & Drainage Plan approval is required prior to Final Plat submittal.

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<b>Wetlands:</b>	According to the Olmsted County Soil Survey, no hydric soils exist on the site.
<b>Spillover Parking:</b>	The spillover parking requirements for this development will need to be evaluated further at the time of development.
<b>Parkland Dedication:</b>	<p>The Rochester Park and Recreation Department recommends that parkland dedication requirements for this development be met via cash in lieu of land with payment due prior to the recordation of the final plat.</p> <p>The trails shown on Outlots A-C are private trails to be constructed by the developer.</p>
<b>General Development Plan:</b>	This property is included in the Ridgewood General Development Plan, which was approved in February 2002.

**Staff Review and Recommendation:**

The Planning staff has reviewed this preliminary plat request under the provisions of LDM. Staff recommends the following modifications or conditions:

- 1. The plat shall be revised to include:***
  - A 20' minimum public utility easements between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system.***
  - Red Hawk Drive SE illustrated east of the intersection with Falcon Place SE.***
  - Identifying the roadway named "Falcon Place SE, both north and south of red Hawk Drive SE to Falcon Road SE.***
  - Identifying the roadway named Falcon Court SE as Falcon Lane SE.***
  - Identifying the roadway named Starling Court SE as Starling Lane SE.***
  - Identifying the roadway named White Owl Court SE as White Owl Lane SE.***
- 2. A Storm Water Management Fee will apply to any area of the development that does not drain to an on-site detention facility. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.***
- 3. Construction of a temporary turn-around and associated temporary easement is required at the southerly extend of Falcon Place SE.***
- 4. Prior to recording the Final Plat, the applicant shall execute an Ownership & Maintenance Agreement, and dedicate applicable access and drainage easements for the proposed private stormwater detention facility shown on Outlot 'A'***
- 5. Parkland dedication shall be met via cash in lieu of land with payment due prior to the recordation of the final plat documents.***

6. *Development is limited to 1200 adt until a secondary access is provided.*
7. *The applicant shall execute a Maintenance Agreement, prior to recording the Final Plat, for islands located within the cul-de-sacs. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.*
8. *No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.*
9. *Prior to the City Council taking action on the this plat, the applicant shall provide preliminary construction plans for Phase II or the plat shall be revised to exclude the phase II area. Adequate time for review of the construction plans shall be provided.*

**REMINDER TO APPLICANT:**

- *Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.*
- *Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements and acceptance of improvements by the City.*



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CITY OF ROCHESTER  
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL  
EXCERPTS

**61.225 Finding for Land Subdivision:**

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

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- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.

**61.226 Conditions on Approvals:**

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

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DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/16/03

The Department of Public Works has reviewed the application PP#03-14, for the proposed Valley Side Estates Third subdivision. The following are Public Works comments on the proposal:

1. A Development Agreement has been executed for this property.
2. Grading & Drainage Plan approval is required prior to Final Plat submittal.
3. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer. NOTE: The Preliminary Construction Plans submitted with this application only include Phase I. Phase II Construction Plans should be submitted for review, or the preliminary plat should be revised to exclude the proposed Phase II area.
4. The proposed cul-de-sac islands will require execution of a Maintenance Agreement prior to recording the Final Plat. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.
5. Execution of a City-Owner Contract prior to the construction of any public infrastructure to serve this subdivision.
6. Prior to recording the Final Plat, execution of an Ownership & Maintenance Agreement, and dedication of applicable access and drainage easements is required for the proposed private stormwater detention facility shown on Outlot 'A'.
7. The 6 foot wide bituminous pedestrian path, extending from Red Hawk Dr SE between proposed Lot 1, Block 2 of Phase I., and Lot 11, Block 2, Phase II., should be identified as privately constructed and maintained unless it is required as a mid-block connection in which case it needs to be constructed 10 feet wide within a 30 foot wide Outlot that will be dedicated to the City.
8. Construction of a temporary turn-around and associated temporary easement is required at the southerly extent of Falcon Pl SE.

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ South East Trunkline Sewer (SAC) @ \$2512.80 per developable acre
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a privately constructed on-site detention facility.
- ❖ Southeast Transportation Improvement District (SETID) @ \$3371.34 per gross acre
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.
- ❖ Traffic Signs as determined by the City Engineer.

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June 10, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: REVISED: Preliminary Plat #03-14 by Freedom Development & Consulting LLC to be known as Valley Side Estates Third.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. Public utility easements will be required in Outlot B for the required water main loops connecting that area with the existing stub-out from Valley Side Estates Second to the west. Those easements can be dedicated as a part of the development of the Outlot.
2. Static water pressures within this area will range from 68 to 79 PSI.
3. An 8" water main is required within the easement shown between Lots 17 & 18, Block 1 to adequately serve the adjacent property to the east.
4. Other minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention Bureau  
Gary Schick, Building & Safety  
Freedom Development & Consulting LLC  
Brown Herkenhoff



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ROCHESTER PARK AND RECREATION DEPARTMENT  
201 FOURTH STREET SE  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6160  
FAX 507-281-6165

## M E M O R A N D U M

DATE: June 9, 2003

TO: Jennifer Garness  
Planning

RE: Valley Side Estates 3<sup>rd</sup>      **\*\*REVISED\*\***  
Preliminary Plat #03-14

Acreage of plat.....	33.41 a
Number of dwelling units.....	59 units*
Density factor.....	.0244
Dedication .....	1.44 a
Fair market value of land.....	\$15,000 / a

- Does not include units planned for Outlots A. & B. To be determined with submittal of site plan for Outlots A. & B.

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of final plat.

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The hand to reach for...  
**DAVID A. KAPLER**  
Fire Chief

DATE: May 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher  
Fire Protection Specialist

SUBJ: Land Subdivision Permit (preliminary plat) 03-14 by Freedom Development & Consulting LLC to be known as Valley Side Estates Third Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sac associated with this plan is indicated as less than 96 feet and therefore shall be marked "No Parking".

Streets less than 36 feet in width shall be posted "No Parking" along one side of the street. The streets associated with this plan are indicated as less than 36 feet and will require "No Parking" signage along one side of the streets.

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division  
Freedom Development & Consulting LLC – PO Box 1643 – St. Cloud, MN 56302  
Brown Herkenhoff – 1424 2<sup>nd</sup> Street North – Sauk Rapids, MN 56379



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913  
Fax: 507-285-7355  
E-mail: dale.maul@dot.state.mn.us

May 16, 2003

Jennifer Garness  
Rochester-Olmsted Planning Department  
2122 Campus Drive SE – Suite 100  
Rochester, MN 55904

**Re: Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC. The property is located east of Valley Estate Second Subdivision and south of US Highway 14.**

Dear Ms. Garness:

Thank you for the opportunity to review the Preliminary Platting for Valley Side Estates Third. This proposal will result in significant added traffic demand on US Highway 14 which must be appropriately managed, particularly as there are no plans to widen US Highway 14 or address additional improvement or signal needs at 40<sup>th</sup> Avenue until 2012.

Mn/DOT recommends that the City of Rochester and Olmsted County extend Eastwood Road east to CSAH 11 to service this and other planned development. Local street connections are needed to disperse the traffic and direct it toward current signalized intersections. Without appropriate management of the traffic impacts, the City of Rochester should restrict the staging of new development appropriate to the capacity of US Highway 14.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

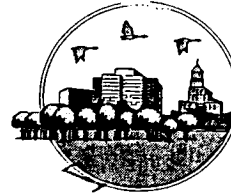
Sincerely,

A handwritten signature in cursive script, reading 'Dale E. Maul'.

Dale E. Maul  
Planning Director

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Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

## PLAT REFERRAL RESPONSE

**DATE:** May 14, 2003

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Linda Brown, Brown and Herkenhoff

**RE:** VALLEY SIDE ESTATES THIRD

### PRELIMINARY PLAT #03-14

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. RED HAWK DRIVE SE needs to be illustrated east of intersection with Falcon Place SE.

**RECOMMENDATION:** Duplicate text for **RED HAWK DRIVE SE** to short stretch of roadway lying east of intersection with Falcon Place SE.

2. FALCON PLACE SE is too long a roadway to be designated as a Place.

**RECOMMENDATION:** Change Falcon Place SE, both north and south of Red Hawk Drive SE to **FALCON ROAD SE**.

3. FALCON COURT SE is using an incorrect roadway type for a cul-de-sac roadway.

**RECOMMENDATION:** Change Falcon Court SE to **FALCON LANE SE**.



4. STARLING COURT SE is using an incorrect roadway type for a cul-de-sac roadway.

**RECOMMENDATION:** Change Starling Court SE to **STARLING LANE SE**.

5. WHITE OWL COURT SE is using an incorrect roadway type for a cul-de-sac roadway.

**RECOMMENDATION:** Change White Owl Court SE to **WHITE OWL LANE SE**.

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X  
The motion carried 9-0.

\* Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC. The Applicant is proposing to subdivide approximately 33.41 acres of land into 84 lots for single family development and 3 Outlots. The Plat also proposes to dedicate new public roadways. The property is located east of Valley Estate Second Subdivision and south of Highway 14 East.

Mr. Brent Svenby presented the staff reports, dated May 23, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that the development is subject to a secondary access once it reaches 1,200 trips.

Mr. Haeussinger asked where the secondary access would be located.

Mr. Svenby replied that it would need to be to the south or east when the area is developed.

Mr. Quinn stated that the traffic congestion in the area would only increase.

Mr. Quinn asked if there had been any property approved to the south or the east.

Mr. Svenby replied no.

Ms. Wiesner asked if there is a time frame for a future development on the preliminary plat.

Mr. Svenby replied yes.

Mr. Dave Bell, of Freedom Development & Consulting, Inc., St. Cloud, MN, addressed the Commission. He stated that the development would be done in Phases. Last year there was too much rain and water runoff. That is why there was a problem with drainage in the area. They had to create a regional storm pond. In previous meeting minutes, there was a recommendation for it to be banked. A regional city pond would have oversized pipes to flow into the holding pond. The Theins did not object to a pond being placed on their property.

Ms. Wiesner asked why they do not connect the cul-de-sacs between the townhomes.

Mr. Bell replied that it would create an island effect. They want private trails that would connect with a larger trail to the City Park. The way the topography is, all the townhomes would be walkouts. The center islands would be landscaped and privately maintained. They have planted boulevard trees in the development. He stated that they are in agreement with the staff recommended conditions.

Ms. Rivas stated that the cul-de-sac is a different type of look, and gives a rarity and variety to the townhome development.

Ms. Wiesner asked what the length of the cul-de-sac was.

Mr. Bell replied under 500 feet.

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Mr. Lee Ganske, of 4220 Eastwood Road SE, Rochester MN, addressed the Commission. He stated that there is an issue with the traffic flow. The intersection of 40<sup>th</sup> Street and Highway 14 converges from two-lanes to four-lanes. The intersection is very dangerous. The other option to leave the area would be the junction of 40<sup>th</sup> Street and Eastwood Road. There is a gravel road coming up a steep hill, which then turns into a 90-degree angle, the road could cause problems. This type of housing is in high demand. It would be good for the community. To the east, the topography is very hilly and highly concentrated with trees. The developer has left that area as undeveloped green space. There are Decorah Edge conditions in the area. He would like to request the Commission and the developer formalize where the boundaries are and possibly adding a condition so there is not an encroachment into the area. They should designate separate outlots for the open space. In condition #3, it states that there would be a temporary turn around with Falcon Place, SE. He asked if they would be seeking an easement on his property or on the developer's property.

Mr. Bell replied the easement would be on the developer's property.

Mr. Ganske stated that he would like the green space retained.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to approve Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC with the staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-1, with Ms. Wiesner voting nay.

**CONDITIONS:**

1. The plat shall be revised to include:
  - A 20' minimum public utility easements between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system.
  - Red Hawk Drive SE illustrated east of the intersection with Falcon Place SE.
  - Identifying the roadway named "Falcon Place SE, both north and south of red Hawk Drive SE to Falcon Road SE.
  - Identifying the roadway named Falcon Court SE as Falcon Lane SE.
  - Identifying the roadway named Starling Court SE as Starling Lane SE.
  - Identifying the roadway named White Owl Court SE as White Owl Lane SE.
2. A Storm Water Management Fee will apply to any area of the development that does not drain to an on-site detention facility. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.
3. Construction of a temporary turn-around and associated temporary easement is required at the southerly extend of Falcon Place SE.
4. Prior to recording the Final Plat, the applicant shall execute an Ownership & Maintenance Agreement, and dedicate applicable access and drainage easements for the proposed private stormwater detention facility shown on Outlot 'A'.

5. Parkland dedication shall be met via cash in lieu of land with payment due prior to the recordation of the final plat documents.
6. Development is limited to 1200 adt until a secondary access is provided.
7. The applicant shall execute a Maintenance Agreement, prior to recording the Final Plat, for islands located within the cul-de-sacs. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.
8. No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.
9. Prior to the City Council taking action on the this plat, the applicant shall provide preliminary construction plans for Phase II or the plat shall be revised to exclude the phase II area. Adequate time for review of the construction plans shall be provided.

Ms. Rivas asked, if a separate outlot would be created, would that require special permission for access.

Mr. Ohly replied that a non-profit organization would own the separate outlot. The home owners would need to pay a fee and help maintain. There would be a separate agreement that the developer would construct. The agreement would also be private not public.

#### **OTHER BUSINESS:**

##### **1. Potential zoning ordinance amendments regarding "animated signs"**

Mr. Terry Spaeth, of 201 4<sup>th</sup> ST, SE, Rochester City Administration, addressed the Commission. He stated that he was present to represent the potential Zoning Ordinance amendments regarding animated signs. They are looking for a recommendation from CUDE and City Zoning and Planning Commission members. They do not know if they should regulate the signs. Most communities have banned animated signs, as they are seen as a public hazard. He indicated that he thought limitations should be placed on the Sign Ordinance. Also, they should not be allowed in residential areas, right-of-ways, and in the vicinity of signal lights. Public safety is the main concern.

Ms. Rivas stated that, if they would be in the sight line, they would conflict with the traffic signal lights.

Ms. Petersson stated that there is currently a Sign Ordinance.

Ms. Pat Alfredson, Rochester City Attorney, stated that an Animated Sign Ordinance could be adopted.

Ms. Wiesner asked for a vote whether the current Sign Ordinance is sufficient. A motion that the current Sign Ordinance is sufficient was made and carried 8-1, with Ms. Rivas voting nay.